

Applicant : Scott Montgomery
Appl. No. : 09/990,626
Examiner : Akiba K. Robinson
Docket No. : 703602.3

Remarks

Claims 1, 23, 28, 33, and 44 have been amended and new claim 48 has been added. No new subject matter has been added. Claims 1-48 are pending in this application, of which claims 1, 15, 23, 28, 33, and 44 are independent. Applicant respectfully requests reconsideration.

Claim Rejections

Claims 1-6, 8-10, and 28 were rejected under 35 U.S.C. § 103 as being obvious over Sansone (U.S. Patent No. 6,547,136). Claims 7, 11-27, and 30-47 were rejected under 35 U.S.C. § 103 as being obvious over Sansone in view of Whitehouse (U.S. Patent No. 6,005,945). Claim 29 was rejected under 35 U.S.C. § 103 as being obvious over Sansone, and further in view of Sansone (U.S. 5,008,827).

Claim 1 is patentable because none of the cited references, in combination or separately, discloses, teaches, or suggests "receiving a postage refund inquiry; and retrieving the postage transaction information from the database in response to the postage refund inquiry to determine whether to refund the postage associated with the postage refund inquiry, wherein the postage is refunded based on the delivery status associated with the tracking ID contained within the retrieved postage transaction information."

To begin, Sansone '136 does not disclose, teach or suggest "receiving a postage refund inquiry." The portion of Sansone (col. 6, lines 20-24) cited by the Office does not disclose a postage refund inquiry. Instead, what is disclosed is a request by the buyer of goods to return the goods to the seller, and not a request for a postage refund. The refund cited in col. 6, lines 46-47 refers to the refund received by the buyer for the goods returned to the seller. Col. 6, lines 46-47 reads "[s]eller 100 will receive goods via delivery process 226, and buyer 200 will receive a refund via returned goods process 110." In this context, it is clear that the buyer is receiving the refund for the goods returned to the seller, and not for postage for mailing the goods back to the seller. Since the buyer receives the refund for

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the goods returned to the seller and not for postage, Sansone does not disclose, teach, or suggest "receiving a postage refund inquiry" as required by claim 1.

Whitehouse discloses issuing a postage refund if a postage indicium is never received and processed by the postal system after the postage indicium has expired (Col. 25, lines 5-18). Whitehouse does not explicitly disclose refunding postage by retrieving postage transaction information containing a tracking ID and associated delivery status from a database and determining whether to refund the postage based on the delivery status associated with the tracking ID contained within the retrieved postage transaction information. Sansone, fails to disclose refunding postage altogether.

Because the delivery status indicates whether the associated mail piece has actually been delivered, the method of claim 1 is able to determine whether to refund postage based on whether the postage has been used on a mail piece that was actually delivered. This is not disclosed by any of the cited references.

For at least the above reasons, Applicant submits that claim 1 and its dependent claims 2-14 are patentable over the cited references, and respectfully requests that the rejection of claim 1-14 be withdrawn.

Independent claim 15 is patentable because neither Sansone nor Whitehouse, in combination or separately, discloses "refunding the postage for a first postage transaction only if the delivery status for the first postage transaction indicates that a mail piece associated with the tracking ID for the first postage transaction has not been delivered, and the postage transaction dates for the first and second postage transactions are the same."

As explained above, Sansone does not disclose, teach, or suggest "receiving a postage refund inquiry". Whitehouse discloses issuing a postage refund if a postage indicium is never received and processed by the postal system after the postage indicium has expired (Col. 25, lines 5-18). However, Whitehouse does not explicitly disclose issuing a postage refund based on actual delivery of a mail piece associated with the postage

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indicium as indicated by a delivery status. Further, Whitehouse does not explicitly disclose issuing a postage refund based on two separate postage transactions with the same dates, as required by claim 15. To refund postage for a first postage transaction, the method of claim 15 not only requires non-delivery of a mail piece associated with the first postage transaction as indicated by the delivery status, but also requires that a second postage transaction have the same date as the first postage transaction. Sansone does not even disclose refunding postage.

For at least the reasons given above, Applicant submits that claim 15 and its dependent claims 16-22 are patentable over the cited references, and respectfully requests that the rejection of claims 15-22 be withdrawn.

Independent claim 23 is patentable because neither Sansone nor Whitehouse, in combination or separately, discloses "receiving a postage refund inquiry; searching the database for duplicative postage transactions associated with the postage refund inquiry, wherein the duplicative postage transactions include identical transaction dates, destination zip codes, and postage amounts; and refunding the postage associated with the postage inquiry if the delivery status for one of the duplicative postage transactions indicates that a mail piece has been delivered."

As explained above, Sansone does not disclose, teach, or suggest "receiving a postage refund inquiry". Whitehouse discloses issuing a postage refund if a postage indicium is never received and processed by the postal system after the postage indicium has expired (Col. 25, lines 5-18). However, Whitehouse does not explicitly disclose searching a database for duplicative postage transactions associated with a postage refund inquiry, much less refunding the postage associated with the postage refund inquiry if the delivery status for one of the duplicative postage transactions indicates that a mail piece has been delivered. Rather, Whitehouse issues a postage refund based on whether a single postage indicium associated with an inquiry has ever been received and processed by the postal system. Sansone does not even disclose refunding postage.

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Accordingly, Applicant submits that claim 23 and its dependent claims 24-27 are patentable over the cited references, and respectfully requests that the rejection of claims 23-27 be withdrawn.

Claim 28 is patentable because neither Sansone nor Whitehouse, in combination or separately, discloses "a filtering module, when executed by the data processing circuitry, configured for selecting the postage transactions in which the one or more postage transaction items are identical, and determining if any of the delivery statuses for the selected postage transactions indicates that a mail piece has been delivered; wherein, if the filter module determines that any of the delivery statuses for the selected postages transactions indicates that a mail piece has been delivered, the database management module credits a user account with a postage refund."

As explained above, Sansone does not disclose, teach, or suggest "receiving a postage refund inquiry". Whitehouse discloses issuing a postage refund if a postage indicium is never received and processed by the postal system after the postage indicium has expired (Col. 25, lines 5-18). However, Whitehouse does not explicitly disclose selecting postage transactions sharing one or more identical items, and crediting a postage refund to a user account if any of the delivery statuses for the selected postages transactions indicates that a mail piece has been delivered. Rather, Whitehouse issues a postage refund based on whether a single postage indicium associated with an inquiry has ever been received and processed by the postal system. Sansone does not even disclose refunding postage.

For at least the above reasons, Applicant submits that claim 28 and its dependent claims 29-32 are patentable over the cited references, and respectfully requests that the rejection of claims 28-32 be withdrawn.

Independent claims 33 and 44 have each been amended to include limitations similar to those of claim 28. Therefore, Applicant submits that claims 33 and 44, and their

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respective dependent claims 34-43 and 45-47, are patentable over the cited references, and respectfully requests that the rejection of these claims be withdrawn.

New Claims

New claim 48 depends from claim 1, and is therefore patentable for at least the reasons given for claim 1.

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Conclusion

Prompt and favorable action on the merits of the claims is earnestly solicited.
Should the Examiner have any questions or comments, the undersigned can be reached at
(949) 567-6700.

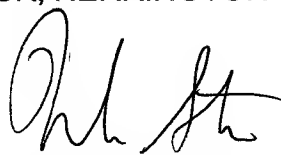
The Commissioner is authorized to charge any fee which may be required in connection
with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: December 13, 2006

By: _____



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